IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS JOHNSTON,	§
	§ No. 78, 2012
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
VINCE REUSING and CRIPPLE	§ C.A. No. N11C-06-283
CREEK GOLF AND COUNTRY	§
CLUB,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: August 17, 2012 Decided: August 21, 2012

ORDER

This 21st day of August 2012, it appears to the Court that, on July 31, 2012, the Clerk issued a corrected notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix and not paying the Supreme Court filing fee. The appellant has failed to respond to the notice to show cause within the required ten-day period. Therefore, dismissal of this action is deemed to be unopposed pursuant to Rules 3(b) (2) and 29(b).

¹ The corrected notice included an additional address for the appellant.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court

Rules 3(b) (2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland Justice